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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,945	12/10/2003	Sugio Makishima	Q78893	6289

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WASHINGTON, DC 20037

EXAMINER

TROST IV, WILLIAM GEORGE

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,945

Applicant(s)

MAKISHIMA, SUGIO

Examiner

Fayyaz Alam

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/10/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement submitted on 12/10/2003 has been considered by the Examiner and made of record in the application file.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Mobile Camera Phone with Adjustable Focal Length.

Claim Objections

4. Claim 3 is objected to because of the following informalities: --a plurality of-- needs to be inserted before "lengths" in line 3. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1 and 2** are rejected under 35 U.S.C. 102(e) as being anticipated by

Fukuda (US 2003/0040346 A1).

Consider **claim 1**, Fukuda et al. clearly disclose a portable information terminal (read as portable terminal; see Abstract) with camera, comprising:

a case 10 (read as first housing) and a lid member 12 (read as second housing) which are linked to be displaceable (read as movably connected to each other) (see Figure 1A and [0083]);

an image pick up module (18) (read as image pickup device) is arranged in said case 10 ([0084]); and

an adapter optical system (23) (read as conversion lens; see [0085]) is arranged in the said lid member 12 (see Figure 1A),

wherein the optical axis of said image pick up module (18) and that of said adapter optical system (28) substantially agree with each other (i.e. identical) when the portable terminal is folded (first state where the first housing and the second housing are laid on each other so that a focal length of the image pick up module (18) is converted from a focal length when the portable terminal is not folded (second state where the first housing and the second housing are arranged differently from the first state) ([0091] and [0092]).

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Consider **claim 2**, in view claim 1, Fukuda et al. clearly disclose a portable terminal with camera, further comprising of an audio transmitting (20) and receiving device (26) (see Figure 1A; [0084] and [0085]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fukuda** in view of **Sladen (US 2002/0061767 A1)**.

Consider **claim 3**, as applied to claim 1 above, Fukuda et al. clearly disclose the present invention, but fail to disclose a conversion lens with sliding operation in order to vary the focal length of the image pickup device by selecting one of the conversion lenses.

In the same field of endeavor, Sladen et al. clearly disclose slidably mounted (read as sliding operation) mirrors (read as conversion lens), wherein the focal length of the camera (read as image pickup device) can be converted by selecting one of the mirrors ([0031]; [0032]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate the teachings of Sladen with those of Fukuda et al. in order to provide efficiency and robustness to the camera system of a mobile phone where the camera feature in the phone would approach the functionality of a stand alone camera.

Consider **claim 4**, as applied to claim 1, Fukuda et al. clearly disclose the present invention, but fails to disclose that the conversion lens is a zoom lens.

In the same field of endeavor, Sladen et al. clearly disclose the mirror (read as conversion lens) is a zoom lens ([0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate the teachings of Sladen with that of Fukuda in order to provide efficiency and robustness to the camera system of a mobile phone where the camera feature in the phone would approach the functionality of a stand alone camera.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Wada (US Patent # 6,965,413), Satoh (US Application # 2004/0092284), and Hamamura (US Application # 2004/0072589).**

8. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1101. The Examiner can normally be reached on Monday-Friday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you


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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Fayyaz Alam

May 25, 2006


RAFAEL PEREZ-GUTIERREZ
PRIMARY EXAMINER
5/26/06